

Enclosure

Itemized List by Categories of Withheld Material

Documents responsive to FOIA Request No. EPA-R9-2015-002343 from University of Denver Sturm College of Law, but exempt from mandatory disclosure:

Document Description	Basis for Exemption	FOIA Exemption Number
Pre-decisional internal email messages and attachments thereto from January 2013 to December 2014 between EPA staff, EPA legal counsel and EPA management concerning comments on draft documents relating to the Navajo Generating Station Federal Implementation Plan rulemaking. Approximately 477 documents.	<ul style="list-style-type: none">• Inter-agency deliberative process• Attorney-client privilege• Attorney work product	Exemption 5
Pre-decisional internal email messages and attachments thereto from January 2013 to December 2014 between EPA staff and EPA legal counsel concerning reports to management about the Navajo Generating Station Federal Implementation Plan rulemaking. Approximately 217 documents.	<ul style="list-style-type: none">• Inter-agency deliberative process• Attorney-client privilege• Attorney-work product	Exemption 5
Pre-decisional email messages and attachments thereto from January 2013 to December 2014 between EPA staff and EPA legal counsel and other Federal Agencies relating to the Navajo Generating Station and Petitions for Review. Approximately 121 documents.	<ul style="list-style-type: none">• Inter and Intra-agency deliberative process• Attorney-client privilege• Attorney-work product	Exemption 5

Document Description	Basis for Exemption	FOIA Exemption Number
<p>Pre-decisional internal email messages and attachments thereto from January 2013 to December 2014 between EPA staff, EPA legal counsel and EPA management concerning Tribal consultation matters relating to the Navajo Generating Station.</p> <p>Approximately 82 documents</p>	<ul style="list-style-type: none"> • Inter-agency deliberative process • Attorney-client privilege • Attorney-work product 	Exemption 5
<p>Pre-decisional internal email messages and attachments thereto from January 2013 to December 2014 between EPA staff, EPA legal counsel and EPA management concerning briefing papers and materials relating to the Navajo Generating Station.</p> <p>Approximately 50 documents</p>	<ul style="list-style-type: none"> • Inter-agency deliberative process • Attorney-client privilege • Attorney-work product 	Exemption 5
<p>Pre-decisional internal email messages and attachments thereto from January 2013 to December 2014 between EPA staff, EPA legal counsel and EPA management concerning the EIS process relating to the Navajo Generating Station.</p> <p>Approximately 11 documents</p>	<ul style="list-style-type: none"> • Inter-agency deliberative process • Attorney-client privilege • Attorney-work product 	Exemption 5
<p>Pre-decisional internal email messages and attachments thereto from January 2013 to December 2014 between EPA staff, EPA legal counsel and EPA management concerning FOIA and press requests relating to the Navajo Generating Station.</p> <p>Approximately 118 documents</p>	<ul style="list-style-type: none"> • Inter-agency deliberative process • Attorney-client privilege • Attorney-work product 	Exemption 5

Document Description	Basis for Exemption	FOIA Exemption Number
<p>Emails from December 2014 between U.S. Department of Justice and Petitioner for Review relating to Navajo Generating Station Federal Implementation Plan rulemaking.</p> <p>Approximately 2 documents</p>	<ul style="list-style-type: none"> Not exempt from FOIA but subject to further review 	<p>N/A</p>